

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PAUL ANDREW PEKSENAK,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CASE NO. C19-1815-BAT

**ORDER REMANDING FOR FURTHER  
ADMINISTRATIVE PROCEEDINGS**

This Social Security disability appeal is before the Court on remand from the Ninth Circuit Court of Appeals. Dkt. 22, 23. The Ninth Circuit issued a memorandum finding that ALJ's error in giving little or no weight to the Department of Veteran's Affairs disability rating was not harmless, as this Court had found, and directing that the case be remanded for further administrative proceedings. Dkt. 22. Accordingly, the Court **REVERSES** the Commissioner's final decision and **REMANDS** this case for further administrative proceedings under sentence four of 42 U.S.C. § 405(g). On remand, the ALJ shall reevaluate plaintiff's claim of disability in a manner consistent with the Ninth Circuit's memorandum.

DATED this 17th day of December, 2021.



BRIAN A. TSUCHIDA  
United States Magistrate Judge